#476

BILL NO. Z-91-06-08

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S-30.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 (Multi-Family Residential) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Part of the West Half of the Southeast Quarter of Section 20, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:
>
> Beginning at the South line of the said West Half of the Southeast Quarter, 660.0 feet West of the Southeast corner of same; thence North and parallel with the East line of the said West Half of the Southeast Quarter. 660.0 feet; thence West, by an interior angle of 89 degr. 38 min. and parallel with the South line of the said West Half of the Southeast Quarter, 132.0 feet; thence South and parallel with the East line of said West Half of the Southeast Quarter, 660.0 feet to the South line of the West Half of said Southeast Quarter; thence East on the South line of the said West Half of the Southeast Quarter, being also the centerline of Stellhorn Road (State Road #327), a distance of 132.0 feet to the point of beginning, containing 2.00 acres of land, subject to legal right-of-way for Stellhorn Road.

and the symbols of the City of Fort Wayne Zoning Map No. S-30, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY McCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Henry, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Legislative (and the City Plan Commission for recommendation) and Public Hearing to be held af due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, da of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATED: 6-11-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Redd, and duly adopted, placed on its passage ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	_____	9	_____	_____
BRADBURY	_____	✓	_____	_____
BURNS	_____	✓	_____	_____
EDMONDS	_____	✓	_____	_____
GiaQUINTA	_____	✓	_____	_____
HENRY	_____	✓	_____	_____
LONG	_____	✓	_____	_____
REDD	_____	✓	_____	_____
SCHMIDT	_____	✓	_____	_____
TALARICO	_____	✓	_____	_____

DATED: 7-9-91

Sandra E. Kennedy/ae
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO._____ on the _____day of _____, 19_____

ATTEST: (SEAL)

_____
SANDRA E. KENNEDY, CITY CLERK

_____
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____day of _____,19___ at the hour of _____o'clock_____.M.,E.S.T.

_____
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____day of _____, 19_____, at the hour of _____o'clock_____M.,E.S.T.

_____
PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS BOYCE FORMS SYSTEMS, MUNCIE, IN.

GENERAL FORM NO. 392

RECEIPT

№ 10836

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., 5-15 19 91

RECEIVED FROM Robert Crosby $ 100.00

THE SUM OF One hundred + 00/100 DOLLARS

ON ACCOUNT OF rezoning R1 to R-3

4183 Still Lorn

226

PAID BY: CASH ☐ CHECK ☑ M.O. ☐

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Robert C. Crosby and Patricia A. Crosby
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R1 District to a/an R3 District the property described as follows: Part of the West Half of the Southeast Quarter of Sec 20, Twnshp 31 North, Range 13 East, described as follows, to-wit: Beginning on the south line of the said west half of the southeast quarter, 660.0 ft west of the southeast corner of same, thence north & parallel with the east line of the said west half of the southeast quarter, 660.0 ft; thence west, by an interior angle of 89 degr. 38 min. & parallel with the south line of the said west half of the southeast quarter, 132.0 ft; thence south & parallel with the east line of said west half of the southeast quarter, 660.0 ft to the south line of the west half of said southeast quarter; thence east on the south line of the said west half of the southeast quarter, being also the centerline of Stellhorn Road (State Rd 37), a distance of 132.0 ft to the point of beginning, containing 2.00 acres of land, subject to legal right-of-way for Stellhorn Rd.

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

4183 Stellhorn Road

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
George E Parker	5141 St Joe Ctr Rd	George E Parker

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Robert C. Crosby	3715 Kirkwood Drive Fort Wayne, IN 46805	484-9941

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Part of the West Half of the Southeast Quarter of Sec 20, Twnshp 31 North, Range 13 East, described as follows, to-wit: Beginning on the south line of the said west half of the southeast quarter, 660.0 ft west of the southeast corner of same, thence north & parallel with the east line of the said west half of the southeast quarter, 660.0 ft; thence west, by an interior angle of 89 degr. 38 min. & parallel with the south line of the said west half of the southeast quarter, 132.0 ft; thence south & parallel with the east line of said west half of the southeast quarter, 660.0 ft to the south line of the west half of said southeast quarter; thence east on the south line of the said west half of the southeast quarter, being also the centerline of Stellhorn Road (State Rd 37), a distance of 132.0 ft to the point of beginning, containing 2.00 acres of land, subject to legal right-of-way for Stellhorn Rd.

Owners of Property

(Name)	(Address)	(Signature)
George E Parker	5141 St Joe Ctr Rd	George E Parker

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN

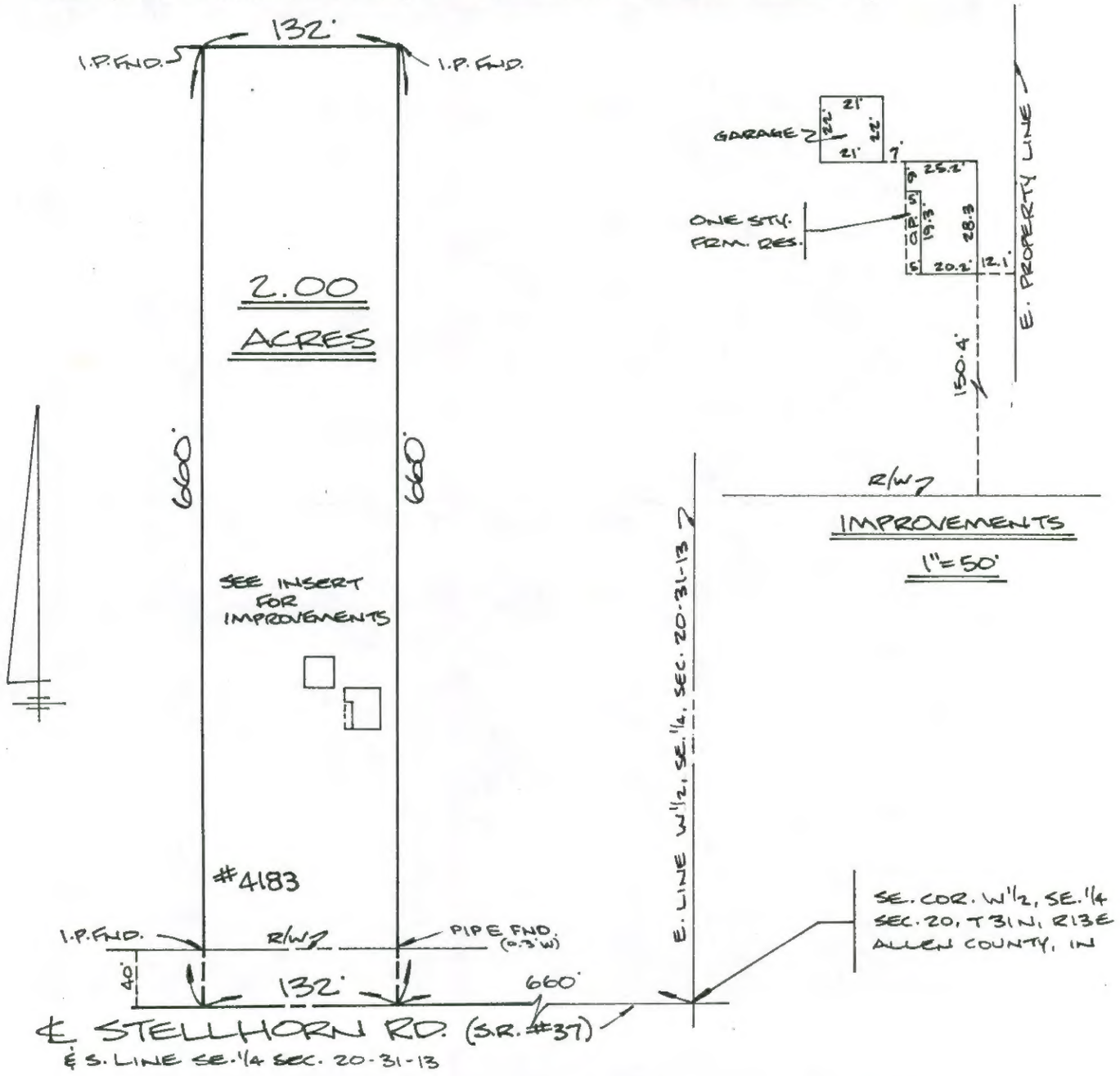
REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
REGISTERED LAND SURVEYOR No. 9921 INDIANA

FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: SEE ATTACHED SHEET!



NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0280 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "X", and is not in a flood hazard area.

S.R. ON FILE
SHT. #1 OF 2

JOHN R. DONOVAN REGISTERED No. 9921 STATE OF INDIANA LAND SURVEYOR

JOHN R. DONOVAN

RE-CERTIFIED 4-19-91

JOB FOR: PARKER - ST. JOHN ORTHODOX CHURCH
PARKER

1"=100'
3-13-80
REV. 4-19-91

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN

REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
REGISTERED LAND SURVEYOR No. 9921 INDIANA

FORT WAYNE, INDIANA

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The description of the real estate is as follows, to wit: Part of the West Half of the Southeast Quarter of Section 20, Township 31 nNorth, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning on the South line of the said West Half of the Southeast Quarter, 660.0 feet West of the Southeast corner of same; thence North and parallel with the East line of the said West Half of the Southeast Quarter, 660.0 feet; thence West, by an interior angle of 89 degr. 38 min. and parallel with the South line of the said West Half of the Southeast Quarter, 132.0 feet; thence South and parallel with the East line of said West Half of the Southeast Quarter, 660.0 feet to the South line of the West Half of said Southeast Quarter; thence East on the South line of the said West Half of the Southeast Quarter, being also the centerline of Stellhorn Road (State Road #37), a distance of 132.0 feet to the point of beginning, containing 2.00 acres of land, subject to legal right-of-way for Stellhorn Road.

SHT. #2 OF 2

RE-CERTIFIED 4-19-91

JOB FOR: PARKER - ST. JOHN ORTHODOX 3-13-80
REV. 4-19-91
CHURCH
PARKER

JOHN R. DONOVAN REGISTERED No. 9921 STATE OF INDIANA LAND SURVEYOR

JOHN R. DONOVAN

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 11, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-91-06-38; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 17, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 24, 1991.

Certified and signed this
26th day of June 1991.

Robert Hutner
Secretary

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 4183 Stellhorn Road

2-9-06-08

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential.
Property will become R-3 - Multi-Family Residential.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-91-06-38
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Map Amendment
From R-1 to R-3

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
4183 Stellhorn Road

Reason for Project
Two 4-unit residential structures.

Discussion (Including relationship to other Council actions)

17 June 1991 - Public Hearing

(See Attached Minutes of Meeting)

24 June 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) voted against the motion.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Robert Crosby City Department Other
Opponents	Groups or Individuals Joanne Varner/4724 Ottawa Dr Richard Talmer/4332 Albert Dr Basis of Opposition -not consistent with characte of area; -could have a negati impact on property values in the immediate area.
Staff Recommendation	☐ For ☒ Against Reason Against
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 15 May 1991

Projected Completion or Occupancy Date 26 June 1991

Fact Sheet Prepared by Date 26 June 1991

Patricia Biancaniello

Reviewed by Michael A. Lapp Date 27 June 1991

Reference or Case Number

Bill No. Z-91-06-08 - Change of Zone #476
From R-1 to R-3
4183 Stellhorn Road

Robert Crosby, 3715 Kirkwood Dr, petitioner appeared before the Commission. Mr. Crosby stated that he wanted to build two single story 4-unit apartments buildings. He stated that each unit would have approximately 4,000 to 5,000 sq ft. He stated that the property is a very deep lot and encompasses almost 2 acres. He stated that in only covering 10,000 sq ft of land he would be leaving at least 77,000 sq ft of land for landscaping and parking and open space. He stated that his plan shows attached carports for the units, recreation areas and new landscaping. He stated that these units will be attractive and quality built. He stated that there are two small old dilapidated and very unsightly buildings presently on the property. He stated that these structures would be taken down to accommodate the new structures. He stated that this new construction would be an asset to the area. He stated the State Highway Department intends to 4-lane part of Stellhorn Road within the next year. Part of the 4-lanes will be in front of the property in question. He stated that in addition to the 4-lanes it will be adding a center turn lane. He stated that he had checked with the State Highway Department and because of the proposed small traffic flow into this complex there would be no need for deceleration lanes. He stated that because of the busy highway the property value and the size of the land he felt it was very doubtful that a new single family residence would be built there. He stated that there is a church across the street from this property, a doctor's office about one half a block away. He stated that Woodview Manor Apartments are approximately 3 blocks away. He stated that east of the parcel there is Ivy Wood Apartments approximately 4 blocks away. He stated that both of the apartment complexes he mentioned have single family homes adjacent to them. He stated that along Stellhorn Road there are commercial projects with single family structures in between them. He stated in summary he felt the rezoning of the property for the use of two small apartment buildings is not inconsistent with any development along S.R. #37 that is presently there. He stated that it would add to the quality of life in the existing area by removing the existing eyesore and by providing a new maintenance free complex.

Steve Smith questioned if there was not a lesser zoning classification that would accommodate this request and questioned if the petitioner would be agreeable to perfecting the request. He suggested that the petitioner work with the staff prior to the business meeting with regard to perfecting the request to a less dense classification.

The following people spoke in opposition to the request.

- Joanne Varner, President of the Tamarack Civic Association, 4724 Ottawa Dr, representing the citizens in Tamarack Addition
- Richard Talmer, 4332 Albert Dr

- Richard Stresser, 4034 Daner Dr, representing the Ranchwood Association

They stated the following reasons for their opposition.

- R3 zoning will not enhance property values of area
- R3 zoning will allow uses unsuitable for the area
- R3 zoning allows uses that do not conform to the surrounding areas of well kept single family homes
- R3 zoning uses will create more traffic problems in area

In rebuttal, Mr. Crosby stated that the proposed structure will look very much like a residential structure. He stated that there is plenty of room on the property for all off street parking and felt this would be an asset to the area.

Mr. Hutner stated that he felt Mr. Crosby should consider doing something different with the zoning request and suggested the petitioner meet with the staff and perhaps with the neighborhood association to see if something could be worked out.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-91-06-08

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne Zoning Map No. S-30

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

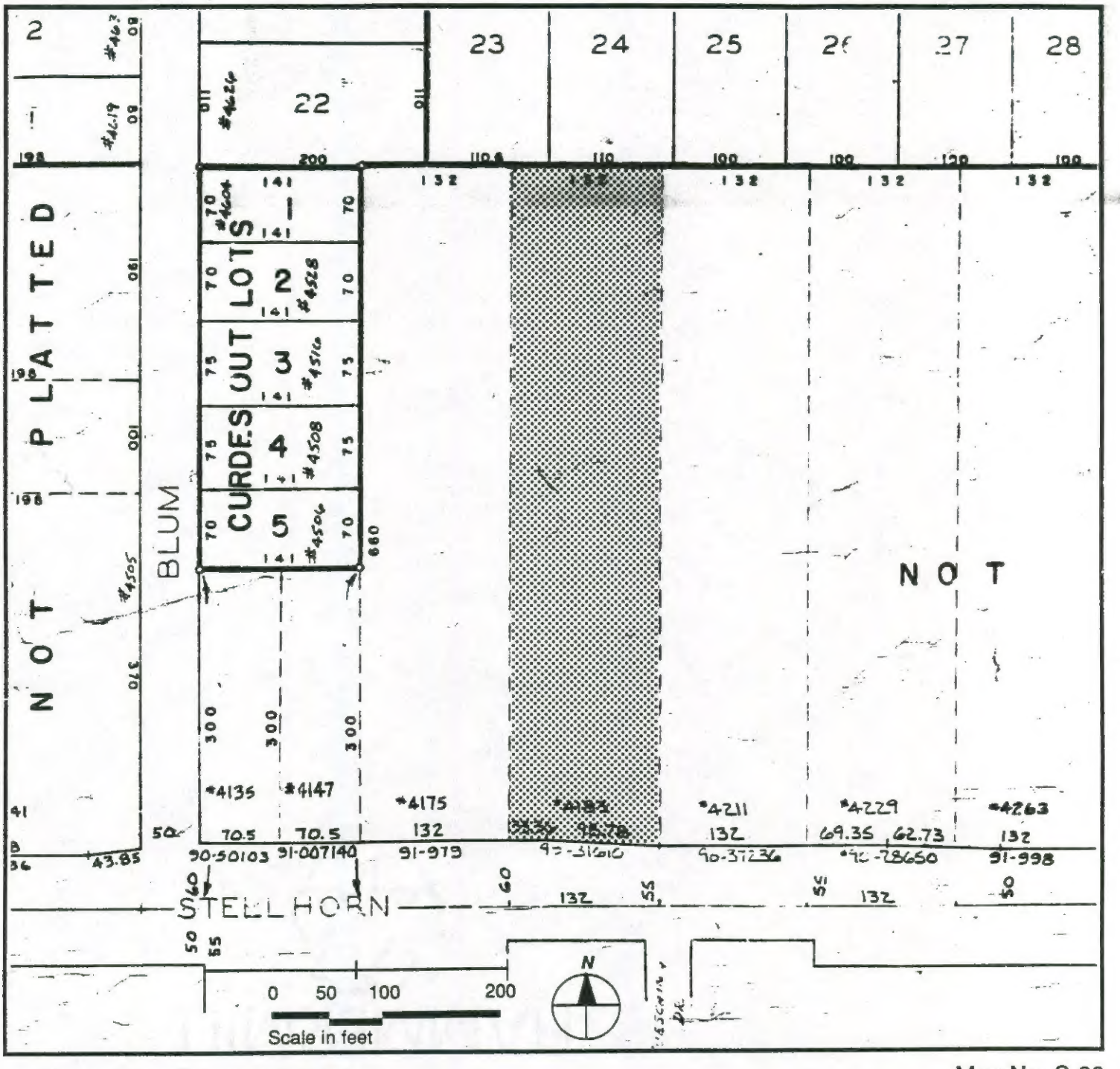
DO PASS	DO NOT PASS	ABSTAIN	NO REC
	David Long		
	C.C. Edmonds		
	J. Bradbury		

DATED: 7-9-91.

Sandra E. Kennedy
City Clerk

REZONING PETITION

AREA MAP **CASE NO. #476**



COUNCILMANIC DISTRICT NO. 2

Map No. S-30
LW 5-23-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		